

PATENT COOPERATION TREATY
PCT
INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)
(PCT Article 36 and Rule 70)

REC'D 26 JUL 2005

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Applicant's or agent's file reference 266PCT PAB:PFB	FOR FURTHER ACTION See Form PCT/IPBA/416	
International application No. T/AU2004/000124	International filing date (day/month/year) 4 February 2004	Priority date (day/month/year) 4 February 2003
International Patent Classification (IPC) or national classification and IPC Cl. ⁷ F01B 5/00, 13/04; F02B 75/26		
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This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.

This REPORT consists of a total of 5 sheets, including this cover sheet.

This report is also accompanied by ANNEXES, comprising:

a. ☒ (sent to the applicant and to the International Bureau) a total of 16 sheets, as follows:

☒ sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).

☐ sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.

b. ☐ (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or table related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).

This report contains indications relating to the following items:

☒ Box No. I Basis of the report

☐ Box No. II Priority

☒ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

☐ Box No. IV Lack of unity of invention

☒ Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

☐ Box No. VI Certain documents cited

☐ Box No. VII Certain defects in the international application

☐ Box No. VIII Certain observations on the international application

Date of submission of the demand
31 August 2004

Date of completion of the report
19 July 2005

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No. I Basis of the report

With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

- ☐ This report is based on translations from the original language into the following language which is the language of a translation furnished for the purposes of:

- ☐ international search (under Rules 12.3 and 23.1 (b))
☐ publication of the international application (under Rule 12.4)
☐ international preliminary examination (under Rules 55.2 and/or 55.3)

With regard to the elements of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):

- ☐ the international application as originally filed/furnished

- ☒ the description:

pages as originally filed/furnished
pages* 1-13 received by this Authority on 4 May 2005 with the letter of 4 May 2005
pages* received by this Authority on with the letter of

- ☒ the claims:

pages as originally filed/furnished
pages* as amended (together with any statement) under Article 19
pages* 14-16 received by this Authority on 4 May 2005 with the letter of 4 May 2005
pages* received by this Authority on with the letter of

- ☒ the drawings:

pages 1/2-2/2 as originally filed/furnished
pages* received by this Authority on with the letter of
pages* received by this Authority on with the letter of

- ☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing.

- ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages
☐ the claims, Nos.
☐ the drawings, sheets/figs
☐ the sequence listing (*specify*):
☐ any table(s) related to the sequence listing (*specify*):

- ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- ☐ the description, pages
☐ the claims, Nos.
☐ the drawings, sheets/figs
☐ the sequence listing (*specify*):
☐ any table(s) related to the sequence listing (*specify*):

If item 4 applies, some or all of those sheets may be marked "superseded."

Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non-obvious), or to be industrially applicable have not been examined in respect of:

☐ the entire international application

☒ claims Nos: 1-21 (as amended)

because:

☐ the said international application, or the said claims Nos.

relate to the following subject matter which does not require an international preliminary examination (*specify*):

☐ the description, claims or drawings (*indicate particular elements below*) or said claims Nos.
are so unclear that no meaningful opinion could be formed (*specify*):

☐ the claims, or said claims Nos.
are so inadequately supported by the description that no meaningful opinion could be formed.

☒ no international search report has been established for said claim Nos. 1-21

☐ the nucleotide and/or amino acid sequence listing does not comply with the standard provided for in Annex C of the Administrative Instructions in that:

the written form ☐ has not been furnished

☐ does not comply with the standard

the computer readable form ☐ has not been furnished

☐ does not comply with the standard

☐ the tables related to the nucleotide and/or amino acid sequence listing, if in computer readable form only, do not comply with the technical requirements provided for in Annex C-bis of the Administrative Instructions.

☒ See Supplemental Box for further details.

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

Statement

Novelty (N)	Claims	YES
	Claims	NO
Inventive step (IS)	Claims	YES
	Claims	NO
Industrial applicability (IA)	Claims	YES
	Claims	NO

Citations and explanations (Rule 70.7)

See Box III and the comments made in the Supplemental Box.

Supplemental Box

case the space in any of the preceding boxes is not sufficient.

Continuation of: Box III.1

The amended independent claims 1 and 14 introduce features and limitations that were not covered by the corresponding International Search Report. It is noted that none of the original claims 1-16 supported the feature/limitation that the rotating cylinder block fully encloses at least one chamber in which the piston(s) can reciprocate.